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PTO/SB/64 (07-05)  
Approved for use through 07/31/2006. OMB 0651-0031  
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
LAM2P437

First named inventor: Yehiel Gotkis

Application No.: 10/672,019

Art Unit: 2859

Filed: September 26, 2003

Examiner: Jagan, Mirellys

Title: METHOD AND APPARATUS FOR THIN METAL FILM THICKNESS MEASUREMENT

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Amendment (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

 _____ Signature	<u>7/17/06</u> _____ Date
<u>Michael L. Gencarella, Esq.</u> _____ Typed or printed name	<u>44,703</u> _____ Registration Number, if applicable
<u>Martine Penilla &amp; Gencarella, LLP</u> _____ Address	<u>(408) 774-6921</u> _____ Telephone Number
<u>710 Lakeway Drive, Suite 200, Sunnyvale, CA 94085</u> _____ Address	

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

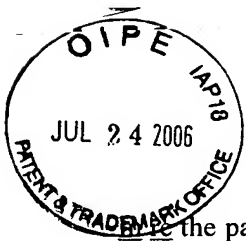
☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

July 17, 2006  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature

Michael L. Gencarella  
\_\_\_\_\_  
Typed or printed name of person signing certificate



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the patent application of

Gotkis et al.

Application No: 10/672,019

Filing Date: September 26, 2003

For: METHOD AND APPARATUS FOR THIN  
METAL FILM THICKNESS MEASUREMENT)

Docket No. LAM2P437

Group Art Unit: 2154

Examiner: Jagan, Mirellys

Date: July 17, 2006

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being sent via first class mail  
to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-  
1450 on July 17, 2006

Signed:

Michael L. Gencarella

TRANSMITTAL OF THE STATEMENT FOR REVIVAL OF AN APPLICATION FOR  
PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Applicants hereby attach the following documents:

- Amendment;
- Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b).

Applicants respectfully request these documents be made of record.

Please send all correspondence to:

**Michael L. Gencarella, Esq.**  
Martine Penilla & Gencarella, LLP  
710 Lakeway Drive, #200  
Sunnyvale, CA 94085  
Customer No. 25920

A check in the amount of \$1500.00 is being submitted to cover the filing fees for these documents. The Commissioner is authorized to charge any other fees which may be due, or any overpayments to Deposit Account 50-0805 (LAM2P437). If the Commissioner has any questions concerning these documents, please contact the undersigned at the telephone number set forth below.

Respectfully submitted,  
MARTINE PENILLA & GENCARELLA, LLP

Michael L. Gencarella, Esq.  
Reg. No. 44,703

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